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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/645,073 05/13/96 YOSHIOKA

M 1046.1133/JD

EXAMINER

TM02/0725

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WASHINGTON DC 20001

ELISCA, P

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

07/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/645,073**

Applicant(s)  
**Makoto, Yoshioka et al.**

Examiner  
**Pierre E. Elisca**

Group Art Unit  
**2161**



☒ Responsive to communication(s) filed on May 25, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-25 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



**Examiner Pierre Eddy Elisca**

**United States Department of Commerce**

**Patent and Trademark Office**

**Washington, D. C. 20231**

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to Applicant's amendment filed on 4/19/2001.
2. Claims 1-25 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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4. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by McMullan, Jr. et al. ('086) or McMullan, Jr et al ('690).

It is noted that McMullan, Jr et al. ('086) is a divisional application of McMullan, Jr. et al ('690), so they are treated together in this rejection.

**As per claim 1, McMullan** substantially discloses each of the applied references shows a CATV system with impulse pay-per-view, where the distributed programs are scrambled. The “content medium” is read on at least all of the headend structure that stores the program and program-related data relating to showing times, which would include the order processing circuitry in each of the references. When a program is ordered, the order locks in an authorization of viewing a scrambled, transmitted program for a particular time interval. The claim 1 “period reader....” reads on the structure at the headend that reads the stored data regarding the delivery time of the pay-per-view showing. Typically, these showings are scheduled well in advance and are printed in a program guide for customers. As for claim 1, “present time or period of time data generator...”, inherently each of the applied references would have a time generator as part of the computer controlling the transmission of ordered pay-per-view showings, so that the showing starts at the scheduled starting time and is cut off at the scheduled ending time. As for the claim 1 “comparator...”, this is inherent in each of the applied references in that the computer at the headend must decide when the starting time for a pay-per-view program has arrived and when the ending time has arrived, when the showing is cut off. The claim 1 “ser...” is clearly just the part of the headend dealing with program delivery.

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In McMullan, Jr. et al. ('086), please note the mention of IPPV (impulse pay-per-view) at column 10, lines 3-35. In McMullan, Jr. et al. ('690), please note the mention of IPPV at column 8, line 44 through column 9, line 34.

Based on the Applicant's amendment filed 4/19/2001 or amendment L, Applicant adds limitations as follow: content medium; self contained computer readable medium; and determine present time. or period of time. Please note that these limitations have been disclosed by both McMullan as specify hereinabove and the office action mailed on 01/17/2001, page 2-4.

**As per claim 2**, the further limitations of the dependent claim are fully met by each of the applied references in that each pay-per-view program and its showings schedule are inherently stored at the headend.

**As per claim 3**, theses are full-met by the inherent transmission of the decryption key to the CATV terminal at the customer's location. Specifically, claim 3 reads on the sending of the signal to read out the decryption key for transmission to the customer. Please note item 313 in Figure 3 of each of the applied references. This is the scrambler, so these must be a descrambler at the CATV terminal at the customer's location. Such a CATV terminal for scrambled pay-per-view always has a key download for descrambling of the ordered pay-per-view program.

The remark with respect to claim 4-25 are substantially those given with respect to claims 1-3 herein above.

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*Response to Arguments*

5. Applicant's arguments filed 4/19/2001 have been fully considered but they are not persuasive.

**REMARKS**

6. In response to the claims, Applicant argues that the prior art of record do not teach the newly added limitation "self contained computer content, the content medium contents a period of time". Examiner disagrees as these limitations have been disclosed by McMullans as specify above and the office action mailed on 07/17/2001, page 2-4, and thus, these limitations already existed or already been treated in the previous office action.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday and Wednesday from 5:30AM. to 6:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

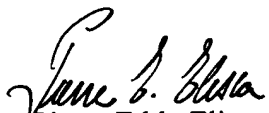
(703) 308-9051, (for formal communications intended for entry )

**OR:**

(703) 305-3718 ( for informal or draft communications, please label

"PROPOSED" or " DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist ).

  
Pierre Eddy Elisca

Patent Examiner

July 24, 2001

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100